REMARKS

Claims 1, 4, 6-9, 12, 14-16, 18-21, 23-27, 29, 30 and 32 remain in this application. Claims 2, 3, 5, 10, 11, 13, 17, 21, 22, 28, 31 and 33 have been cancelled. Claims 1, 7, 15, 25, and 29 have been amended.

Applicants thank the Examiner for the detailed study of the application and prior art. Applicants submit a Request for Continued Examination to have this Amendment After Final considered and entered. Applicants also submit an Information Disclosure Statement to be reviewed and considered by the Examiner.

Applicants contend that the present case as now set forth with this Amendment is in condition for allowance.

Applicants note the rejection of claims as unpatentable over U.S. Patent No. 6,779,022 to Horstmann et al. (hereinafter "Horstmann") in view of U.S. Patent Publication No. 2002/0188497 to Cerwin.

Applicants have amended the claims not only to recite the polling agent and database for storing the UID's resulting from the polling, but also to recite that the polling agent is operative for issuing the STAT command to determine a total number of electronic messages on a mail server and comparing to a threshold based on the STAT command such that if the threshold is exceeded, the polling agent polls the electronic mailbox and retrieves only those UID's that are newer than the UID's from a previous polling to determine that new messages are available. The polling agent is also operative for shortening a polling interval of the electronic mailbox when there is recent activity within the

electronic mailbox to provide electronic mail to a user in near real-time.

Horstmann may disclose a polling agent and database used in the polling to determine electronic messages on a mail server, but it does not disclose or suggest comparing to a threshold based on the STAT command such that if the threshold is exceeded, the polling agent polls the electronic mailbox and retrieves only those UID's that are newer than the UID's from a previous polling to determine that new messages are available. The Examiner admits on page 3 that this claimed subject matter is not disclosed or suggested by Horstmann, and instead, uses Cerwin to teach the step of comparing the message number with the threshold before starting to poll messages, referring to Cerwin at paragraph 63.

Applicants stress that Cerwin does not disclose or suggest any comparing of the messages with a threshold based upon the STAT command and the total number of retrieved messages. Instead, Cerwin teaches the accumulation of messages in queues until those messages are retrieved by programs that service those queues, for example, by using a store-and-forward protocol. Thus, the queuing can enable communication between programs that can run in different environments without having to write a communication code. Load balancing can also occur.

Indeed, the combination of Horstmann and Cerwin would suggest a polling agent that polls messages and retrieves messages that are placed into a queue, until an application is ready to process them. It does not suggest comparing the number of messages to a threshold as claimed based upon the STAT command.

Also, Horstmann does not specifically state that a STAT command is issued. Instead, it only teaches a polling every 15 or two minutes depending on the type of email or communication server and determines whether a UID is already listed in a database, and if not, then it is a new message. Thus, periodic polling is set forth and messages are marked to determine whether they should be blocked or filtered. This is not a STAT command. Indeed, a STAT command not only can determine the total number of electronic messages on a mail server, but as in Unix and other systems, the STAT command not only can determine the number of electronic messages, but also can determine other user ID's and group ID's, identifiers, file sizes and other information regarding files as is known to those skilled in the art.

Additionally, there is no suggestion in Horstmann that its polling agent could shorten a polling interval of the electronic mailbox when there is recent activity within the electronic mailbox to provide electronic mail to a user in near real-time.

At most, Horstmann suggests two polling periods, i.e., (1) every 15 minutes, when external email sources are polled, and (2) every two minutes when a native mail source is polled. These polling periods occur even if the user is not currently logged onto a communications server. Thus, Horstmann is similar to a switch in which if an external email source is polled, then polling occurs every 15 minutes, and if a native mailbox is polled, then polling occurs every two minutes.

The claimed invention now presented in this Amendment, on the other hand, is opposite because it does not

matter whether a native or external email source is polled. The polling could occur at the same polling frequency for each mailbox. When there is recent activity, however, the polling interval is shortened. This is opposite from Horstmann because Horstmann teaches using two different polling intervals for two different types of mailbox, while in the claimed invention, on the other hand, two different polling intervals are applied to the same mailbox, i.e., when there is no activity and when there is recent activity. Thus, Horstmann teaches opposite from the claimed invention.

For purposes of reference, the appropriate language from column 6 starting at lines 24-45 is reproduced below and shows that Horstmann teaches opposite as described above:

> "Three events trigger mail polling. The first event is the beginning of what is known as the "polling interval." In one embodiment, external email sources are polled every 15 minutes and native mail sources every two minutes, regardless of whether the user is currently logged onto communications server 105. The user may also initiate polling either by logging on, to server 105 or by selecting a "get messages" button on a message-view screen.
>
> Regardless of the way in which polling is initiated, when first triggered, poller 152 takes the user's information from database 230, logs onto the first server listed (step 505), and obtains the first message on the server (step 505).
>
> Each message has a unique identifier (UID). Poller 152 reads the message (step 507) and determines whether the UID is already listed in database 230 (step 509). If not, the message is a new one, and is therefore added

to the list of messages in database 230 (step 511). Also in step 511, the message is marked to indicate that the message exists locally and on a remote server. As discussed below, this marking scheme enables poller 152 to synchronize the contents of the local and remote mail servers."

Applicants contend that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due. If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 27th day of November, 2006.

Julie Lakan